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TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 4, 2011

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Bock and Davis, absent and formally excused by the Chair. [District 31 is temporarily vacant.]

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Sara Jane Stowell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2011, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 4, 2011

The JUDICIARY AND RULES Committee reports that [S 1066](#) and [S 1067](#) have been correctly printed.

DARRINGTON, Chairman

[S 1066](#) was referred to the Education Committee.

[S 1067](#) was referred to the Judiciary and Rules Committee.

February 3, 2011

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1017](#), [S 1018](#), [S 1019](#), and [S 1020](#) with the recommendation that they do pass.

ANDREASON, Chairman

[S 1017](#), [S 1018](#), [S 1019](#), and [S 1020](#) were filed for second reading.

February 3, 2011

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

John Goedde to the State Insurance Fund Board, term to expire April 3, 2014.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 4, 2011

The STATE AFFAIRS Committee reports out [S 1041](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1041](#) was filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 3, 2011

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed John Tippets of Montpelier, Idaho, to the office of State Senator for Legislative District 31. The appointment is effective February 4, 2011.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR EXECUTIVE DEPARTMENT BOISE, IDAHO CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-904A, *Idaho Code*, the District 31 Legislative Committee of the Republican Party has submitted a list of three names for consideration in filling a vacancy in the Idaho State Senate.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint John Tippets of Montpelier, Idaho, to the office of State Senator, District 31, Bear Lake, Bonneville, Caribou, Franklin, and Teton, State of Idaho, for a term commencing on February 4, 2011, and continuing until the next general election when the term of office expires.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Third day of February, in the year of our Lord two thousand and eleven and of the Independence of the United States of America, the two hundred and thirty-fifth year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Senator Tippets, and he was recorded present at this order of business.

February 20, 2011

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Celia R. Gould of Boise, Idaho, was appointed as a member of the Director of the Department of Agriculture to serve a term commencing January 3, 2011, and expiring January 5, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 3, 2011

Dear Mr. President:

I transmit herewith [H 60](#) and [H 102](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 60](#) and [H 102](#) were filed for first reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of David E. Kinghorn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bilyeu, seconded by Senator Stegner, the Gubernatorial appointment of David E. Kinghorn as a member of the Board of Tax Appeals was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Robert L. Geddes was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Hill, seconded by Senator Malepeai, the Gubernatorial appointment of Robert L.

Geddes as a member of the State Tax Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1068 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-513, IDAHO CODE, TO REVISE A CONDITION RELATING TO THE EMPLOYMENT OF PROFESSIONAL PERSONNEL BY THE BOARD OF TRUSTEES, TO PROVIDE THAT A PERSON SHALL HAVE A PERIOD OF TIME TO BE DETERMINED BY THE BOARD OF TRUSTEES IN WHICH TO SIGN A CONTRACT, TO PROVIDE FOR A DEFAULT TIME LIMIT, TO PROVIDE THAT IF A CONTRACT IS NOT SIGNED AND RETURNED TO THE BOARD IN A CERTAIN PERIOD OF TIME THE BOARD MAY DECLARE THE POSITION VACANT, TO PROVIDE THAT CERTAIN TEACHERS SHALL NOT HAVE RIGHTS TO CERTAIN AMOUNTS OWED, TO PROVIDE THAT THE BOARD OF TRUSTEES MAY EMPLOY CERTAIN INDIVIDUALS AS SUPERINTENDENT, TO PROVIDE THAT SUCH INDIVIDUAL SHALL BE TREATED AS A CERTIFICATED ADMINISTRATIVE EMPLOYEE, TO PROVIDE THAT AT LEAST FIFTY PERCENT OF A CERTAIN EVALUATION SHALL BE BASED ON CERTAIN MEASURES, TO PROVIDE PROVISIONS RELATING TO THE EMPLOYMENT OF DIRECTORS AND OTHER DISTRICT ADMINISTRATIVE EMPLOYEES, TO PROVIDE THAT A TEACHER HOLDING CERTAIN CONTRACT STATUS SHALL RETAIN CERTAIN ELIGIBILITY, TO PROVIDE FOR AN EVALUATION, TO PROVIDE FOR INPUT FROM PARENTS AND GUARDIANS, TO PROVIDE FOR THE DISTRICT COURT'S ACTION IF THE EMPLOYEE APPEALS A DECISION, TO PROVIDE FOR GROUNDS TO SET ASIDE A DECISION, TO PROVIDE THAT THE BOARD OF TRUSTEES' DETERMINATION SHALL BE AFFIRMED UNLESS THE EMPLOYEE'S SUBSTANTIAL RIGHTS ARE VIOLATED, TO PROVIDE FOR AUTHORITY TO GRANT A REQUEST FOR LEAVE OF ABSENCE AND TO DELEGATE SUCH AUTHORITY, TO PROVIDE FOR DELEGATION OF AUTHORITY, TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL RATIFY OR NULLIFY CERTAIN ACTION, TO PROVIDE THAT THE DISTRICT MAY PLACE CERTAIN EMPLOYEES ON A PERIOD OF UNPAID LEAVE OF ABSENCE OR PROBATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CONTRACT CATEGORIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-514A, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO THE ISSUANCE OF CERTAIN CONTRACTS AND TO PROVIDE PROVISIONS RELATING TO EMPLOYMENT PURSUANT TO CATEGORY B OR C CONTRACTS; AMENDING SECTION 33-515, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RENEWABLE CONTRACTS, TO PROVIDE

AND COSTS OF PROVIDING VIRTUAL EDUCATION COURSEWORK; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A DISTRICT'S SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-1004F, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AMOUNTS REQUIRED TO MEET OBLIGATIONS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM AND TO SOCIAL SECURITY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004I, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PAY FOR PERFORMANCE, HARD TO FILL POSITIONS, LEADERSHIP AWARDS AND TO PROVIDE FOR DISTRIBUTION OF MONEYS; AMENDING SECTION 33-1020, IDAHO CODE, TO DELETE A PROVISION RELATING TO MONEYS DISTRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1021, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO MATH AND SCIENCE REQUIREMENTS AND THE DISTRIBUTION OF MONEYS FOR CERTAIN MATH AND SCIENCE COURSES; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1022, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC SCHOOL TECHNOLOGY AND EXPENDITURES OR DISTRIBUTIONS OF MONEYS FOR SUCH; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1626, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO DUAL CREDIT; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1627, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO ONLINE COURSES AND MOBILE COMPUTING DEVICES AND TO PROVIDE FOR CERTAIN EXPENDITURES OR DISTRIBUTIONS OF MONEYS; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1627A, IDAHO CODE, TO PROVIDE THAT THE LEGISLATURE DECLARES CERTAIN DEVICES TO BE OF NOMINAL VALUE AND THAT A TRANSFER OF SUCH DEVICES IS A BENEFIT TO THE STATE OF IDAHO AND ITS CITIZENS; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5216, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC POSTSECONDARY INSTITUTIONS AUTHORIZED TO OPERATE PUBLIC

CHARTER HIGH SCHOOLS; PROVIDING LEGISLATIVE INTENT; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

S 1070

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO HOMICIDE; AMENDING CHAPTER 40, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4017, IDAHO CODE, TO PROVIDE FOR A FELONY RELATING TO THE CAUSING OF OR ASSISTING IN A SUICIDE, TO PROVIDE PENALTIES, TO PROVIDE FOR THE REVOCATION OF A CERTAIN LICENSE OR CERTIFICATION, TO PROVIDE INJUNCTIVE RELIEF, TO PROVIDE EXCEPTIONS AND TO DEFINE TERMS.

S 1071

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE POW/MIA FLAG; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2303, IDAHO CODE, TO PROVIDE FOR THE DISPLAY OF THE POW/MIA FLAG.

[S 1068](#), [S 1069](#), [S 1070](#), and [S 1071](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 60](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 102](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1008](#), [S 1009](#), [S 1010](#), [S 1011](#), and [S 1012](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[H 7](#), [H 8](#), [H 10](#), [H 11](#), and [H 12](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1007](#), having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 25.

NAYS—Bilyeu, Broadsword, LeFavour, Malepeai, Schmidt, Stegner, Stennett, Werk. Total - 8.

Absent and excused—Bock, Davis. Total - 2.

Total - 35.

Whereupon the President declared [S 1007](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, [S 1052](#) retained its place on the Third Reading Calendar for Monday, February 7, 2011.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Monday, February 7, 2011.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary